

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to add headings.

Claims 38-72 are pending in the application. Acknowledgement of the allowability of claims 43, 44 and 57-59 is noted with appreciation. Allowable claims 43 and 57 have been amended to stand as independent claims. The remaining claims, except claims 66 and 72, have been amended to improve the language in a non-narrowing fashion.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §112, Second Paragraph

Claim 71 has been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Official Action asserts that claim 71 is an apparatus claim setting forth limitations suggestive of a method step. However, claim 71 has been amended to set forth apparatus limitations in a manner that is clear, definite and has full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejections Based On PALMER

Claims 38-42, 45-56, 60-64, 66-69 and 71-72 have been rejected under 35 USC §102(b) as being anticipated by PALMER (U.S. Patent 5,765,945). Claims 65 and 70 have been rejected under 35 USC §103(a) as being unpatentable over PALMER in view of MACIULA et al. (U.S. Patent 3,776,385). These rejections are respectfully traversed.

The present invention pertains to a fluidizing apparatus that is illustrated, by way of example, in Figure 2 of the application, which is reproduced below.

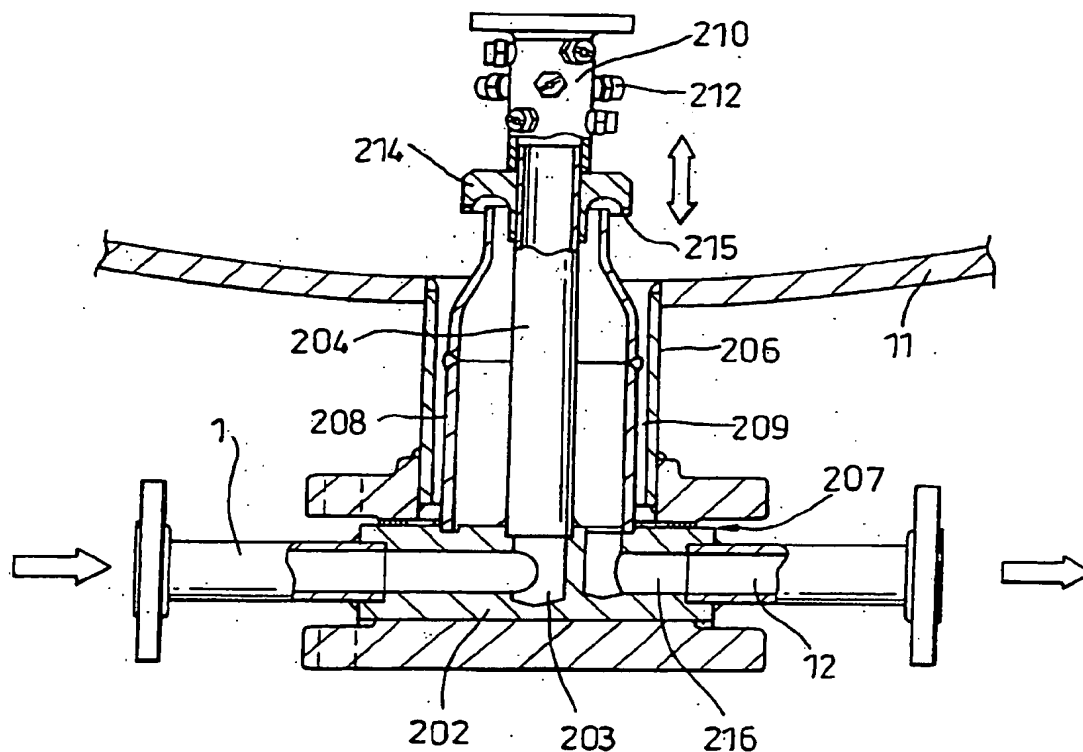
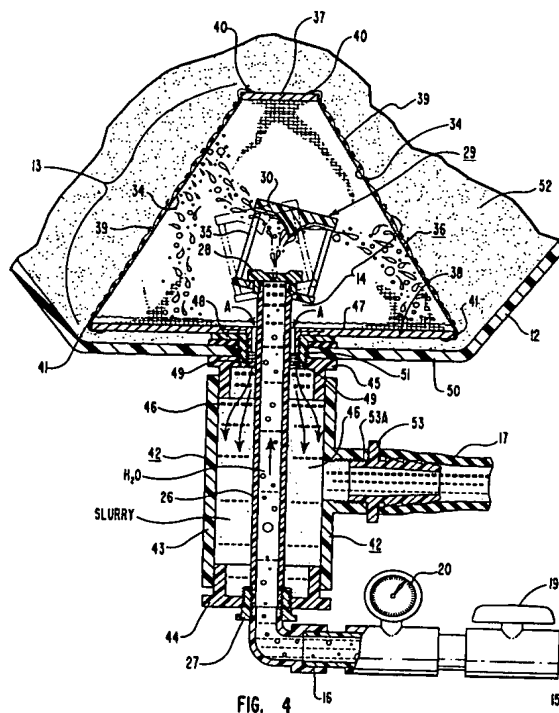


Figure 2 shows inlet/jets located in a lower portion of the vessel that contains the fluidizable material. In order to

prevent blockage by semi-solid material, a curved flanged 214 is provided.

Claim 38 of the present invention recites: "a flange member (214) located between the jets and the inlet end of outlet duct, the flange member adapted to divert the flow of fluidised material past the underside of the flange member before entering the inlet end of the outlet duct." Independent claim 72 of the present invention contains a similar recitation.

PALMER pertains to an apparatus and method for adding a powder, e.g., gypsum, to a liquid. Figure 4 of PALMER is reproduced below.



The apparatus of PALMER includes a vessel 12 in which powdered material is stored. At a lower portion of the vessel

there is a "mixing zone" 13 defined by inner 34 and outer 39 screens that can be frustroconical or cylindrical in shape. Pressurized liquid is introduced into the inner screen 34 through a vertical inlet conduit 26 having a spray jet head 28 on its upper end. The water spray is directed towards the top component 30 of a pivotable spray deflector unit 29. That deflector disperses the spray over the inside surface of the inner mesh 34 in order to draw layers of the powder through the screen. The water/powder mixture is then washed down as a slurry via passageway 49 (in the direction of arrows A) into the cylindrical reservoir 46. When the level of the mixture rises to outlet conduit 17 it can pass out through that conduit.

PALMER fails to disclose a fluidizing apparatus. The apparatus of PALMER simply combines water with powder for mixing and does not perform fluidizing of a more solid mass of material.

The Official Action has equated the top components 32, 33 of the deflector unit 29 with the "jets" of claim 38 of the present invention. However, the nozzle 28 clearly performs the function of the claimed jets.

The Official Action additionally asserts that the lower component 31 of the deflector unit 29 corresponds to the claimed "flange". However, component 31 of PALMER is not adapted to divert the flow of fluidized material past the underside of the component 31 in the same way as the curved flange (e.g. 214 in Figure 2) of the present invention.

That is, the top component 30 of the deflector unit 29 of PALMER would divert fluidized material towards the outlet 49 and, contrary to claim 38 of the present invention, component 30 is not located between the jets (28 or 32, 33) and the inlet of the outlet conduit 49.

PALMER thus clearly fails to anticipate independent claim 38 or independent claim 72 of the present invention. Claims depending upon claim 38 are not anticipated by PALMER for at least the above reasons.

The Official Action turns to MACIULA et al. for teachings pertaining to a hydroclone to reject claims 65 and 70. However, the teachings of MACIULA et al. fail to address the deficiencies of PALMER discussed above. A *prima facie* case of unpatentability has thus not been made over PALMER in view of MACIULA et al.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed February 28, 2005 and for making an initialed PTO-1449 Form of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejections are believed to have been overcome, obviated or rendered moot, and that no issues remain. The

Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

Please charge the fee of \$210 for one extra independent claim added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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